

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2022-151-WS**

**IN RE:**

**Joint Application for Approval of the Sale of  
Assets and Transfer of Facilities, Territory  
and Certificate of Public Convenience and  
Necessity from Total Environmental  
Solutions, Inc. to CSWR South Carolina  
Utility Operating Company, LLC**

**FOXWOOD HILLS PROPERTY  
OWNERS ASSOCIATION, INC.'S  
PETITION TO INTERVENE**

The Petitioner, Foxwood Hills Property Owners Association, Inc. (the “POA”), hereby petitions the South Carolina Public Service Commission (“Commission”) pursuant to Rule 103-825 of the Commission’s Rules, to allow the POA to intervene in Docket 2022-151-WS with full rights to participate as a party of record. In support of its Petition, the POA submits the following to the Commission:

1. The POA is a property owners association responsible for operating and maintaining a residential development known as Foxwood Hills (the “Community”) located on Lake Hartwell in Oconee County, South Carolina, comprised of approximately 4,100 lots currently owned by over 3,200 owners of record. The POA’s duties include the maintenance, operation and management of over forty miles of roadways and certain real estate and amenities, including a clubhouse, a pool, tennis courts, a parking area, docks, substantial common areas and certain vacant lots.

2. As stated in the Joint Application filed by Total Environmental Solutions, Inc. (“TESI”) and CSWR South Carolina Utility Operating Company, LLC (“CSWRSC”), the sole geographic area at issue in the Application filed under this Docket (the “Application”) is the Community.

3. In addition to the POA's representative capacity on behalf of all owners in the Community, collectively, the POA also owns a significant number of lots in the Community. Accordingly, the POA is an interested party to the Application.

4. On May 8, 2020, the POA filed a Chapter 11 bankruptcy case in the Bankruptcy Court for the District of South Carolina (the "**Bankruptcy Court**"). TESI filed a claim in the POA's bankruptcy case for amounts it asserted were owed to it by the POA and participated as an interested party in the POA's bankruptcy case.

5. A critical part of the POA's bankruptcy case was to reorganize through a Chapter 11 Plan of Reorganization to be confirmed by the Bankruptcy Court. Part of that process involved the POA negotiating with TESI regarding long-standing disputed issues between the parties. On July 15, 2021, the POA and TESI consented to the terms and conditions stated in that certain Second Amendment to the Amended and Restated Chapter 11 Plan of Reorganization (the "**Second Amendment to Plan**"). The Second Amendment to Plan stated the relevant terms and conditions that would resolve the disputed issues between the POA and TESI and stated how the parties' relationship would be governed going forward. A true and accurate copy of the Second Amendment to Plan is attached hereto as **Exhibit "A"** to this Petition and it is hereby incorporated by reference herein.

6. On August 6, 2021, TESI filed its Ballot with the Bankruptcy Court wherein it stated its acceptance of all terms and conditions stated in the Second Amendment to Plan. A true and accurate copy of the Ballot is attached hereto as **Exhibit "B"** to this Petition and it is hereby incorporated by reference herein.

7. On September 1, 2021, the Bankruptcy Court entered its Order Confirming Amended and Restated Chapter 11 Plan of Reorganization (the "**Order Confirming**"),

Plan”) wherein the Bankruptcy Court, in relevant part, acknowledged TESI’s acceptance of the terms stated in the Second Amendment to Plan and ordered that the POA, TESI and all other creditors and interested parties stated therein were bound by the terms of the POA’s Chapter 11 Plan of Reorganization. *See* 11 U.S.C. § 1141. A true and accurate copy of the Order Confirming Plan is attached hereto as **Exhibit “C”** to this Petition and it is hereby incorporated by reference herein.

8. Since September 1, 2021, the POA and TESI have successfully accomplished the terms stated in Sections 1(a), (b), (c), and (e) in the Second Amendment to Plan. The remaining terms and conditions are ongoing and serve to govern the prospective relationship between the POA and TESI.

9. Upon review of the Application, the buyer, CSWRSC, has not clearly stated that it agrees and acknowledges that it shall be bound by the Second Amendment to Plan in the same manner TESI is bound in the event the Application is granted and the contemplated transaction is consummated. Obtaining a written agreement from CSWRSC that it shall be bound by the Second Amendment to Plan upon approval and closing of the transaction contemplated between it and TESI in the Application is critical to the POA. This is the primary reason the POA has filed this Petition.

10. The POA’s authorized representatives in this proceeding are the undersigned counsel.

11. For the foregoing reasons, the POA has standing to participate in this proceeding, and it seeks to intervene in this proceeding with full rights to participate as a party of record to represent its interests.

12. The POA believes that its request to intervene complies with the policies of

the Commission and is in line with the spirit of encouraging public participation in issues that come before the Commission.

WHEREFORE, Foxwood Hills Property Owners Association, Inc. respectfully prays for an Order granting this Petition to Intervene with full rights for it to participate as a party of record herein.

June 6, 2022  
Columbia, South Carolina

s/ Kyle A. Brannon  
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**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day, June 6, 2021, one (1) copy of Foxwood Hills Property Owners Association, Inc.'s Petition to Intervene in the above referenced matter by placing a copy of same in the care and custody of the United States Postal Service, first class postage prepaid to the following Parties of Record, at Columbia, South Carolina, and also by e-mail:

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s/ Courtney Belton  
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